IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14231 of 2022

Satyananda Mahanta .... ***Petitioner***
Mr. Satyajit Samal, Advocate

-versus-

State of Odisha and others .... ***Opp. Parties***
Mr. Dipti Ranjan Mohapatra,
Standing Counsel,
School & Mass Education

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
10.06.2022

Order No.

02. 1. This matter is taken up through hybrid mode.

2. This matter was not listed today, on being mentioned, the same is taken up through special list.

3. On perusal of writ petition, it appears that a wrong order has been typed out inadvertently on 7th June, 2022. Hence, the order dated 7th June, 2022 is recalled.

4. Upon hearing learned counsel for the parties, the following order is passed.

5. The Petitioner, who is teaching staff of Laxmi Narayan Vidyapitha, Santarapur, Dhenkikote, in the district of Keonjhar, in this writ petition seeks to assail the order dated 11th November, 2021 (Annexure-3) passed by the District Education Officer, Keonjhar-Opposite Party No.3 and further prays for a direction to allow the Petitioner to avail the benefits, such as, leave benefits under the Odisha Education (Leave of Teachers and other Members of the Staff of Aided Educational Institutions) Rules, 1977, retiral and pensionary benefits under

the Odisha Aided Educational Institutions Employees' Retirement Benefit Rules, 1981 as well as G.P.F. benefit under the Odisha Aided Educational Institutions' Employees General Provident Fund Rules, 1983 keeping in mind the ratio decided in the case of ***Ritanjali Giri @ Paul –vs.-State of Odisha (School & Mass Education Department) & others***, reported in 2016(1)ILR CTC 1162.

6. It is submitted by Mr. Samal, learned counsel for the Petitioner that the Petitioner had earlier moved this Court in W.P.(C) No.27068 of 2021, which was disposed of 15th September, 2021 directing the authorities to consider the representation of the Petitioner. That having been rejected vide order under Annexure-3, the Petitioner is constrained to file this writ petition. It is his submission that the case of the Petitioner is squarely covered by the decision in W.P.(C) No.23312 of 2020 and a batch of cases disposed of on 28th September, 2021 and W.P.(C) No.22440 of 2021 disposed of on 28th September, 2021. The authorities have not examined the case of the Petitioner in the light of the ratio as well as observation made in the aforesaid writ petitions. Hence, he prays for a direction to permit the Petitioner to file a fresh representation before the authorities, namely, Commissioner-cum-Secretary to Government, School and Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.1 and seeks for a direction for early disposal of the same in accordance with law keeping in mind the ratio decided in the aforesaid case law.

7. Mr.Mohapatra, learned Standing Counsel for the School and Mass Education although does not dispute the factual position, but submits that the case of the Petitioner has to be

examined on its own merit in view of the decision in the aforesaid two writ petitions.

8. In view of the above, this Court without delving into the merits of the case, disposes of the writ petition with a direction that in the event the Petitioner makes a fresh representation to the Commissioner-cum-Secretary to Government, School & Mass Education Department, Odisha, Bhubaneswar-Opposite Party No.1 within a period of two weeks hence along with certified copy of this order enclosing the aforesaid two orders passed in W.P.(C) No.23312 of 2020 and W.P.(C) No.22440 of 2021, he shall do well to consider and dispose of the same in accordance with law as expeditiously as possible preferably within a period of two months from the date of filing of such representation keeping in mind the observations and directions made in the aforesaid two writ petitions and communicate the same to the Petitioner.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Vacation Judge

s.s.satapathy